

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

- against -

ARMANDO BOTTA

05CR30002-MAP

MOTION IN LIMINE TO PRECLUDE EVIDENCE OF
DISCUSSIONS OF DRUG TRANSACTIONS

Now comes the defendant, Armando Botta, by and through his attorney, Lori H. Levinson, hereby moves, pursuant to Federal Rules of Criminal Procedure 12(e) and Federal Rules of Evidence 401, 402, 403 and 404 (b), that this Honorable Court preclude the government from introducing any testimony and/or other evidence relating to the defendant's alleged discussions with the government's confidential informant, Leo Daniele, about drug-related activities.

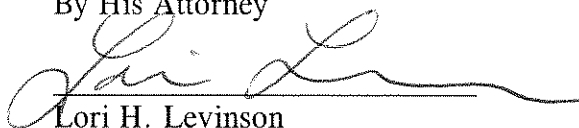
As grounds therefore the defendant states that based upon a review of the discovery provided by the government, there are several conversations between Daniele and the defendant, some of which have been captured on videotape, in which the possible sale of drugs is discussed.

The indictment in this case does not allege drug buying or selling by the defendant. Accordingly, any mention of drug-related activity would violate F.R.E. 404(b), as unduly prejudicial. Accordingly, under F.R.E. 403, because the prejudicial value of such evidence is widely disproportionate to its probative value, which is nil, such evidence should be excluded.

Respectfully submitted,

ARMANDO BOTTA

By His Attorney



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